

Bordeaux to England, whereof they have been advised of the Lord Boreel, our Leiger Ambassador in the Court of France, who informs that the persons employed are to seek assistance of the English. Upon the event of this negotiation of theirs depends our being off or on with the Court of France. If the Bourdelois thrive therein, then it is like we shall peace up with France, if the frowns and Rodomonts of the Spaniard do not hinder. The consideration of this makes the French King put on with all might and expedition for the reducing of Bordeaux, and to keep a very vigilant eye upon the Protestant party. But the present condition of affairs makes the Spaniard to pride himself, and hath placed him in his own conceit upon a lofty Promontory, from whence he overlooks the tempestuous state of Europe, spies and reckons his advantages by shipwrack, looking down with contempt and scorn upon the rest of the world.


Whitehall. May 17. A Foot Soldier was tryed by a Court Martiall, for killing a man in Holborn, and he received sentence to be shot to death near the place where he did the fact.

From Aberdene, May 10. This morning our Fleet appeared off this place, many of them came to Anchor, but the Generals speeded away towards Orkney, where they intend the Rendezvous, unless intelligence of the Dutch fleet invite them forward, which they expect, having received intelligence of their being Northward, its probable you may suddenly hear of an Engagement. They have sent us 100 this Harbor 50 Busses. We are now expecting great things from you. Many in these parts are amazed at what hath lately been acted.

From the two Generals aboard the Resolution, before Aberdeen, May 10.

Since ours of the 7 instant by the way of Newcastle, we have little to acquaint you with, but that we are now upon the Scotch coast to look after the Dutch Fleet; of whose motion we have no other intelligence then what we formerly acquainted you with. We shall leave order at Tamptallon, Aberdeen, and Dun-Orter castle, for all such ships, frigats, and other vessels in the States service, that shall come this way to look after us, where to find us; and likewise supply our selves here with water, for the present necessity of the Fleet.

There is newly Printed and Published

 *The History of the Wars of the Emperor Justinian,*

PRINCE Kie. The Persian, Vandall, and Gothick;

Written in Greek by *Procopius*; Englished by *Henry Holcroft* Knight.

To be sold by *Humphrey Moseley* at the sign of the Prince's Arms in St Pauls Church-yard.

R E P O R T S of that Learned and Judicious Clerk *Jos. Goldborough* Esq; sometimes one of the Protonotaries of the Common Pleas; Being a Collection of Choice Cases, and Matters agitated in all the Courts at Westminster, in the later years of Qu. Elizabeth. Never before Published. Printed for *Charls Adams* at the Talbot over against St Dunstons Church in Fleetstreet.

Licensed and Entred according to the late Act for Printing.

London, Printed by *Tho. Newcomb*, 1653.

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THE
ARMY
NO
USURPERS,

OR

The late Parliament not Almighty
and Everlasting:

Shewing,

That the present Army in their former opposing, and
late dissolving of the Parliament, have done no-
thing contrary to Law, but according to equity.
And that the late Parliaments claim of power to do
what they please, until they should be dissolved by
their own consent, is long since made void by
their own Act.

Exod. 7. 4. *But Pharaoh shall not hearken unto you, that I may lay my hand
upon Egypt and bring forth mine Armies, and my People the children of Israel
out of the land of Egypt by great Judgements.*

LONDON, May. 20.

Printed for Giles Calvert, at the sign of the Black-spread
Eagle, at the West end of Pauls. 1653.

ENT





To the Reader.

WHere every man may do what he list, there can be nothing but perpetual strife and bloodshed: To avoid this, men choose subjection to Government, as a kind of Arbitration for taking up differences amongst them, and the less there is of obligation between them to abide this tryal, the more there is of trust: For which cause we are to submit thereunto, as an ordinance of man approved by God; and keep Covenant, though to our loss.

¹ Pet. 2.

^{13.}
Rom.

^{13. 1, 2.}

^{Psal. 119.}

^{4.}

Those that do otherwise, render vain all mutuall Trusts and promises, and by consequence destroy all commerce & livelyhood, which is far from common honesty, farther from Piety, worst in Publike affairs, especially in publike men, and most especially in the Godly; to the justifying of seditions, ruin of Nations, and making Religion Odious; All which, if the Army have been guilty of, they deserve their doom.

Now as it is far from my desire to justifie an evil Action, (especially thus aggravated, if it had been indeed evil) So neither was it in my thoughts to have writ any thing at all of this Subject till many dayes after the Parliament was dissolved; when by an unexpected providence I was led unto it, though

To the Reader.

162.15.2. *with resolution (through grace) to be guided by truth, and not to
fain pretences. For if I may say that any sin is more contrary
to my nature then another, (as all sins are not alike predomi-
nant in every man) I think it is that of faction or part-taking
farther then I see ground for it, as is something known to those
that are acquainted with me ; and so submitting what is here
written to censure,*

I remain a Servant to Truth.



The



The Army no Usurpers, &c.

IT is pleaded by some, that the Authority of the late Parliament is still in force, though at present interrupted, and therefore whatsoever Government shall be settled without them, is of no validity; The rather for that (say they) there was an Act made at the beginning thereof, that they should not be dissolved otherwise then by their own consent; For this cause it may be a matter of great Importance to the settlement of mens minds therein, if it shall fully appear that the late Parliament was by their own Act long since dissolved, as to their Parliamentary power, and retained since that time onely a ruling power, such as that of Kings and Supream Governors, which amongst all free Nations is capable of resistance and removal by the People, and that the Armies under their Command had power to do as much as the People themselves, being in Arms, might have done in order to the opposing of Usurpation, as well in their own Rulers as others; And first I shall give you the state of the Case.

The Parliament in their declarations make as large Promises of doing great things for the People, if once they could but get the power into their hands, as almost was possible; They are at first afflicted with several Armies that make it their design to prolong the War, rather then obtain a Conquest; at length many gallant men (not Soldiers of fortune, and men of mercenary Principles) for the

love of their Country, and hopes of the great things promised, expose their lives to hazzard, for maintaining the Parliament in their dominion, follow their business with such uncessant pains, Vigilance and diligence, as is without all example of any Army since the World began; They find in every thing success to wonder, acknowledged by friends and enemies to be from a divine presence, they have on a suddain reduced the whole Nation; which is scarcely done, but these men must lay down Arms, that others whose ways tend to persecution and oppression (especially against men of their practices & Judgements) may take them up, and reap all the sweet fruits of these mens losses, of their blood and limbs, of their precious friends slain in the service (and the Widdows and Orphans made thereby) of their incomparable diligence, unexampled adventures, Invincible courage, miserable hardships undergone by them, and many other things of what moment soever, not at all now to be spoken of, but they are doomed to submit all this, yea and their lives, yea and their posterities, yea and some things relating to their souls, to the mercy of those that they plainly perceive, do implacably hate them, manifested in this their undeserved cruelty.

These people have now reason to fear that such a bloody and devious crue as are usually listed in all ordinary Armies, shall again be levied upon the Nation and themselves, to the Plundering and Ruining of the People; and further, that by means thereof themselves, their posterities and all men of the most raised Principles, must be enslaved to the wills of a Generation, whose destructive ways & purposes are sufficiently manifested in this prodigious proceeding, and that the future dominion will by them be secured to such as they in their kindness shall think good enough to rule over them.

From

From these great endeavours to remove the Militia into the hands of their own Creatures, whereby to be maintained in ruling, how long and which way they pleased, and their not performing their large promises to the people in their first declarations (to the deluding of these men who would never have undergone the hardships of such a bloody war) meerly to put the feet of some designers into the Stirrop, they (though required to lay down Arms) demur upon it, humble themselves deeply, seek God solemnly, he returns such an answer, as with one heart and Soul they are agreed, That to lay down Arms, would be to forgo their trust.

Hereupon they stand it out, resist the Parliament, and since that time upon like occasions they seclude many members, and at last (finding still the same design more subtilly carryed on) they dissolve the house.

Now the question is, how far these things, though otherwise very equitable, yet being thus acted against the Supream power, were fit to be done at all; and if they were, then whether they might be done by the present Army, in that capacity wherein they stood in relation to them.

For notwithstanding all that hath been said, I must needs confess, that to do the least evil for obtaining the greatest good, or to resist the higher powers in that sense as the Scripture requires obedience to them, is not in any sort to be justified by honest men, much less by Christians.

Rom. 3.

7.

1 Pet. 2.

13.

Rom.

13, 1, 2.

And therefore,

Although it is of no less then Divine Institution, that men fearing God should have the government (which many of those were not) Though such Magistrates have been of old promised as a great blessing to mankind, and advantage to the truth; Though through the late unwonted

Exod.

18. 21.

Dan. 7.

14. 18.

Isa. 49.

23.

Exod. 7.

wonted 4.

Mat. 24.
14.

2 Sam.
23. 17.

wonted providences, it seems to be now in design, especially here in *England*; though the whole Creation (shortly to be delivered) groans under those *Pharaoh's* that will not let the People receive the Gospel, or serve God otherwise then they please; Though the late Parliament have been so frequently attempting to infringe the liberty of the Godly, and that very people, by the price of whose blood they were settled in their power, yet I shall not take sanctuary from any of these Considerations, to prove either the equity of the aforesaid proceeding, or the Injustice of the Parliaments aforesaid claim, but in order thereunto shall insist only upon these four Particulars.

1. That the late Parliament were long since divested of their National power.

2. That their ruling power was from a new choice of their own party.

3. That their own party had power to lay them aside upon mislike.

4. That this power of their own party was in their Armies.

And first for the first, The Parliament having declared against the King, step up into his Throne, by taking upon them the ruling power. So that whereas before they were as the People, ruled; Assembled onely (*pro tempore*) to controul their Rulers, and make Laws for them to rule by; they are now the standing Rulers that are subject to the like controul from the People; For, Both these powers they could not have at once, because there was no Law for it, and it was against equity.

When was there ever any Law made, that in case any King be declared to break his trust by any Parliament, that same Parliament shall succeed him in his dominion, and yet not be subject to the Controul of the People, as the King was;

was, I highly presume such a ridiculous Law as this was never made : and for equity,

1. It makes the Parliament both judge and party in their own cause, whereby they may do what they will, and say it is well.

2. It is otherwise injurious in three respects ; First it lays a temptation upon Parliaments to declare against good Kings, that they might obtain their dominion.

2. It makes good Parliaments liable to suspicion for doing their duty against Kings ; and lastly it might make other Parliaments neglect their duty for avoyding that suspicion : And thus you see how much this double power is against equity.

Now since that claim which hath no ground either in Law or equity is void ; it follows that the Parliament by accepting of the ruling power (since I say there was no Law, (and it was against equity) for them to hold both) dissolved themselves by their own Act, as to their Parliamentary or National Power.

2. *That their ruling Power was from a new choice of their own Party.*

If the People had suspected a meer design in the Parliament to gain the Kings dominion to themselves (and having shared a good part of the Publike Treasure amongst them) in the end to make their peace with the King by betraying those that assisted them unto his lust, (which was a thing possible) yet if the People had been bound up by their first choice, they must either have submitted to the Kings will in not opposing him, or to the Parliaments in being betrayed by them ; For a medium betwixt Acting and not Acting cannot be found, but they were free from this exigency : for,

There was no Law to constrain them to chuse the
B
Parliament

Parliament for a ruling power, who as yet I say are no more then the people ruled, that have power to controul their rulers; And as there was no Law, so there was no equity that they should be constrained to it against their wills, since they were not slaves, but a free People; so that their submitting themselves to the Parliament as a Ruling power, was a new choice of them to a new Office, and that of their own party onely; for Royalists opposed it, and Neuters paid not Contribution but by constraint.

3. *Their own party had power to lay them aside upon mislike.*

Their ruling power being only of free gift upon liking from their own party, they were but as Tenants at Will, to be laid aside upon mislike, since their own party never gave them power to rule which way, and how long they pleased; and without their gift they could not have it; and if it had been otherwise, they were in a better condition when they had Kings that were controulable.

Again, the Parliaments party could not give the Parliament an uncontrollable power though they would; for men are not sole Lords and Masters of their own lives, much less of their posterities, and therefore cannot give that to others which is not their own to give.

And therefore to conclude, if I trust another with the custody of my goods, I may remove them upon suspicion, much more my person; especially when I never indented how long he should keep either; and it is no prejudice to him, since he hath no right to any dominion over me; especially if he professes to aim at nothing but my good, and undergoes much trouble therein; which being the very case in hand, it is cleer that the Parliaments own party had power to lay them aside upon mislike.

object. Since the Royalists and Neuters were reduced to their obedience, their own party could not cast them off without their consent.

Ans.

Answ. By the same reason they must have had the consent of *Ireland* and *Scotland* in it also, but especially in dealing with the late King, in whom those Nations had interest as well as we; But I say there is no equity at all that those who did not make choice of the Parliament themselves as a ruling power, should impose them upon others.

Lastly, I deny that the enemy were reduced to the obedience of the Parliament as the Objection says; for by that reckoning the Parliament must have sat for ever; but they were reduced to the obedience of that government which the Parliaments party should think fit to set up over themselves.

Object. The removing of the Parliament was against the late Ingagement.

Answ. Was it at all intended by the late Ingagement that the Parliament should sit for ever? Or did it not rather refer to a being satisfied without King or house of Lords; and in the absence thereof, to be true and faithfull to the present government that was and should be established.

Again, The Parliament men were once all bound as subjects to obey the King, and yet as a Parliament they had power to resist him; so every particular person in the Army or elsewhere, as private men might be obliged to submit unto the Parliament, and yet the Army as a joynt body might have power to remove them; which that they had, will appear by what follows.

That this power of their own party was in their Armies.

That the Parliaments party had power to remove the Parliament upon mislike, I have already proved, and now I say that this power of theirs was in their Armies, and that for these reasons:

1. Without their Armies they could not Controul them-
2. The Souldiery might in their own defence do it.

3. They are a National Power, as the Parliaments heretofore.

4. Otherwise the Militia would tend to more hurt then good.

5. Otherwise the Parliament had been inexcusable in Commissionating of them.

1. *Without their Armies they could not controul them.*

And that for three reasons : for the rest of the People were,

1. Unarmed ; therefore could not suppress any resistance that might come therein.

2. Dispersed ; therefore could not debate or vote what was fit to be done ; nor are capable of being trusted with such secrets as relate to advice about great affairs.

3. Without Commission ; therefore could not warrant their proceedings therein.

Object. Such Commissions were received from the Parliament, therefore could not be imployed against them.

Answ. It might as well be pleaded The Parliament were Summoned by the Kings Writs, therefore they were to obey his will.

But to both it is answered, that the King granted those Writs, and the Parliament those Commissions (or should have done) in order to their Trust, and not their own wills.

2. *The Soldiery might in their own defence do it.*

When Parliament men are to be chosen, if those that appear to give in their Votes should be denied the Priviledge, because all that might come are not present, there would be no end of things ; but since those that are present cannot help the absence of the rest, it is alwayes thought equitable they should proceed without them, and not lose their own freedoms through others default, who if they like not the issue, may thank themselves.

Thus

Thus also it is in all Parliaments, Councels, Committees, and such like, wherein absent members are concluded without their consent. Now I say, if there be ground for it in any case, much more in this; for the Armies venture their lives and limbs for freedom (and that not as Soldiers of fortune, but as their design;) others only their mony, between which there is no comparison. Therefore they had no reason from the absence of others to submit to their own slavery, but might in their own defence rescue themselves, since freedom was due, I say, to them as well as others, and they had paid much more for it then others.

Mat. 6.
2. and
the latter
end.

3. *They are a National power as the Parliaments heretofore.*

By a National Power, I mean a power to Act and do, whatsoever the Nation it self (being present) might do.

This power in a time of peace is in Parliaments, but in a time of War it ought to be in the Trained Bands, or such as are worthy to be Intrusted to Act for them; For in a time of War the National trust is not to be put in Councels but in Armies, (I mean the defensive Trust) Councells may be dissolved by the Adversary or suddain commotions, whilest if Armies stand and be faithfull, the Nation is upheld; but if Armies be dissolved, what becomes of Councels? Again, what can Councels do (though they would oppress) if Armies be so faithfull as they will not obey them? On the other side, what can Councels help, if Armies will be so unfaithfull as to cast off good Rulers and oppress the People? whereas if the people themselves (*viz.* the trained Bands) or such as are intrusted to Act for them, do any of this, and there come any prejudice thereby, they may thank themselves; or they being the People, none else can suffer by it.

Now that the Armies are intrusted to Act and do whatsoever the Nation or trained Bands being in Arms might do, is very evident: thus,

Judg. 8.
1, 2, 3.

The Nation of *England* is invited to appear in its own defence ; the Peoples leisure will not give way, but they permit these to appear for them ; and this permission is a trust put upon them to Act in their stead.

Thus in the examples before, when Parliament men are chosen, those that are not present at the Voting, do by their absence permit, and thereby Intrust the rest to Act for them ; Thus also in all Parliaments, Councils and Committees, as is said.

Now if this kind of permission be a trust in all other cases, why only to be excepted in this ? which is so much the more a trust, by how much mens goods and lives are more immediately concerned in Armies then in Councils: It is evident therefore that the Armies are intrusted for the People (or Trained Bands,) to do in their absence whatsoever they being present might have done, and therefore are a National power, such as the Parliaments heretofore, which have Authority to remove evil Rulers if they see cause.

4. *Otherwise the Militia would tend to more hurt then good.*

Ester.
4. 14.

If the Nation it self be in Arms (or those that Act in their stead) then though the ruling power would oppress them, yet they can do nothing without the Armies, and the Armies are the Nation whom they would oppress, who will rather remove such rulers then oppress themselves ; So that the chief end of the Militia is to Act as if they were the Nation ; And therefore if the Army had not done that which the Nation in Arms might undoubtedly have done, they had overthrown the end of their own being, and in neglecting their duty had been more for hurt then good.

5. *Otherwise the Parliament had been inexcusable in commissioning of them.*

The

(11)

The lives and fortunes of a People are subject to the Military force that is raised upon them ; therefore the Ruling power can by no means be excused, if they do not permit the People themselves to be the Militia (as by their Trained Bands (or if they cannot attend the service) Commit it to those that are worthy to be trusted, and do undertake to Act in their stead, and to do for them whatsoever they being personally present might have done, who (as is already proved) might have restrained or removed the late Parliament, being but a ruling power.

By all which it plainly appears what power the present Army had to restrain or remove the late Parliament.

FINIS.
